

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 61 of 1999

and

CIVIL APPLICATION NO. 266 OF 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE D.A.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NEW INDIA ASSURANCE CO.LTD.

Versus

PADMABEN LAKSHMANBHAI BHARTHARI

Appearance:

MR PV NANAVATI for appellant/applicant

MR DN TRIVEDI for Respondent-claimant.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE D.A.MEHTA

Date of decision: 12/12/2000

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Admit. Issue Notice. Mr.Trivedi waives the service on behalf of the respondent-claimant.

On the request of both the sides, the appeal is taken up right today for final disposal. Mr.Nanavati has submitted that a sum of Rs.12,500/- plus interest and cost had been deposited with the Tribunal. On behalf of the claimant, Mr.Trivedi agrees that the claim petition pending under Sec.166 shall not be withdrawn and he will pursue the matter and obtain orders on merits. Whereas this appeal is directed against the interim award under Sec.140 of the Motor Vehicles Act, with the consent of both the sides, it is ordered that it will be open for the claimant to withdraw a sum of Rs.2,500/- (Rupees Two thousand five hundred only) with proportionate cost and interest out of the amount of Rs.12,500/-. The rest of the amount of Rs.10,000/- shall be invested by the Tribunal in any Nationalised Bank in Fixed Deposit for a period of three years in the first instance to be renewed thereafter every year till the disposal of the main claim petition or till it is otherwise necessary as the case may be without obtaining any further orders from this Court. In case the claim petition is decided even before three years, the Tribunal may pass appropriate orders with regard to the deposited amount as it deems proper. This appeal is decided in the terms as aforesaid. The record and proceedings be sent back to the concerned Tribunal forthwith.

Since the main appeal itself has been decided today, there is no question of any stay in the Civil Application for stay. The Civil Application for stay is rejected accordingly.

12th Dec.2000 (M.R. Calla, J.)

(D.A. Mehta, J.)

Sreeram.